
By: **Senator Jimeno**
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CHAPTER _____

1 AN ACT concerning

2 **Public Records - Motor Vehicle Records - Access by Hospitals**

3 FOR the purpose of requiring the custodian of Motor Vehicle Administration records
4 to disclose to a hospital, for hospital security purposes, personal information
5 relating to the ownership of vehicles parked on hospital property; and generally
6 relating to hospital access to Motor Vehicle Administration records.

7 BY repealing and reenacting, with amendments,
8 Article - State Government
9 Section 10-616(p)
10 Annotated Code of Maryland
11 (1999 Replacement Volume and 2002 Supplement)

12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
13 MARYLAND, That the Laws of Maryland read as follows:

14 **Article - State Government**

15 10-616.

16 (p) (1) Except as provided in paragraphs (2) through (5) of this subsection, a
17 custodian may not knowingly disclose a public record of the Motor Vehicle
18 Administration containing personal information.

19 (2) A custodian shall disclose personal information when required by
20 federal law.

1 (3) (i) This paragraph applies only to the disclosure of personal
2 information for any use in response to a request for an individual motor vehicle
3 record.

4 (ii) The custodian may not disclose personal information without
5 written consent from the person in interest.

6 (iii) 1. At any time the person in interest may withdraw consent
7 to disclose personal information by notifying the custodian.

8 2. The withdrawal by the person in interest of consent to
9 disclose personal information shall take effect as soon as practicable after it is
10 received by the custodian.

11 (4) (i) This paragraph applies only to the disclosure of personal
12 information for inclusion in lists of information to be used for surveys, marketing, and
13 solicitations.

14 (ii) The custodian may not disclose personal information for
15 surveys, marketing, and solicitations without written consent from the person in
16 interest.

17 (iii) 1. At any time the person in interest may withdraw consent
18 to disclose personal information by notifying the custodian.

19 2. The withdrawal by the person in interest of consent to
20 disclose personal information shall take effect as soon as practicable after it is
21 received by the custodian.

22 (iv) The custodian may not disclose personal information under this
23 paragraph for use in telephone solicitations.

24 (v) Personal information disclosed under this paragraph may be
25 used only for surveys, marketing, or solicitations and only for a purpose approved by
26 the Motor Vehicle Administration.

27 (5) Notwithstanding the provisions of paragraphs (3) and (4) of this
28 subsection, a custodian shall disclose personal information:

29 (i) for use by a federal, state, or local government, including a law
30 enforcement agency, or a court in carrying out its functions;

31 (ii) for use in connection with matters of:

32 1. motor vehicle or driver safety;

33 2. motor vehicle theft;

34 3. motor vehicle emissions;

35 4. motor vehicle product alterations, recalls, or advisories;

- 1 performance monitoring of motor vehicle parts and
2 dealers; and
- 3 5. removal of nonowner records from the original records of
4 motor vehicle manufacturers;
- 5 (iii) for use by a private detective agency licensed by the Secretary of
6 State Police under Title 13 of the Business Occupations and Professions Article or a
7 security guard service licensed by the Secretary of State Police under Title 19 of the
8 Business Occupations and Professions Article for a purpose permitted under this
9 paragraph;
- 10 (iv) for use in connection with a civil, administrative, arbitral, or
11 criminal proceeding in a federal, state, or local court or regulatory agency for service
12 of process, investigation in anticipation of litigation, and execution or enforcement of
13 judgments or orders;
- 14 (v) for purposes of research or statistical reporting as approved by
15 the Motor Vehicle Administration provided that the personal information is not
16 published, redisclosed, or used to contact the individual;
- 17 (vi) for use by an insurer, insurance support organization, or
18 self-insured entity, or its employees, agents, or contractors, in connection with rating,
19 underwriting, claims investigating, and antifraud activities;
- 20 (vii) for use in the normal course of business activity by a legitimate
21 business entity, its agents, employees, or contractors, but only:
- 22 1. to verify the accuracy of personal information submitted
23 by the individual to that entity; and
- 24 2. if the information submitted is not accurate, to obtain
25 correct information only for the purpose of:
- 26 A. preventing fraud by the individual;
- 27 B. pursuing legal remedies against the individual; or
- 28 C. recovering on a debt or security interest against the
29 individual;
- 30 (viii) for use by an employer or insurer to obtain or verify information
31 relating to a holder of a commercial driver's license that is required under the
32 Commercial Motor Vehicle Safety Act of 1986 (49 U.S.C.A. § 2701 et seq.);
- 33 (ix) for use in connection with the operation of a private toll
34 transportation facility;
- 35 (x) for use in providing notice to the owner of a towed or impounded
36 motor vehicle;

1 (xi) for use by an applicant who provides written consent from the
2 individual to whom the information pertains if the consent is obtained within the
3 6-month period before the date of the request for personal information;

4 (xii) for use in any matter relating to:

5 1. the operation of a Class B (for hire), Class C (funeral and
6 ambulance), or Class Q (limousine) vehicle; and

7 2. public safety or the treatment by the operator of a member
8 of the public; [and]

9 (xiii) for a use specifically authorized by the law of this State, if the
10 use is related to the operation of a motor vehicle or public safety; AND

11 (XIV) FOR USE BY A HOSPITAL TO OBTAIN, FOR HOSPITAL SECURITY
12 PURPOSES, INFORMATION RELATING TO OWNERSHIP OF VEHICLES PARKED ON
13 HOSPITAL PROPERTY.

14 (6) (i) A person receiving personal information under paragraph (4) or
15 (5) of this subsection may not use or redisclose the personal information for a purpose
16 other than the purpose for which the custodian disclosed the personal information.

17 (ii) A person receiving personal information under paragraph (4) or
18 (5) of this subsection who rediscloses the personal information shall:

19 1. keep a record for 5 years of the person to whom the
20 information is redisclosed and the purpose for which the information is to be used;
21 and

22 2. make the record available to the custodian on request.

23 (7) (i) The custodian shall adopt regulations to implement and enforce
24 the provisions of this subsection.

25 (ii) 1. The custodian shall adopt regulations and procedures for
26 securing a person in interest's waiver of privacy rights under this subsection when an
27 applicant requests personal information about the person in interest that the
28 custodian is not authorized to disclose under paragraphs (2) through (5) of this
29 subsection.

30 2. The regulations and procedures adopted under this
31 subparagraph shall:

32 A. state the circumstances under which the custodian may
33 request a waiver; and

34 B. conform with the waiver requirements in the federal
35 Driver's Privacy Protection Act of 1994 and other federal law.

1 (8) The custodian may develop and implement methods for monitoring
2 compliance with this section and ensuring that personal information is used only for
3 purposes for which it is disclosed.

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 October 1, 2003.